



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

December 20, 2011

Donald F. Foss  
Director  
Foss Plating Company, Inc.  
8140 Secura Way  
Santa Fe Springs, CA 90670

Dear Mr. Foss:

EPA recently signed an interim Record of Decision ("ROD") for Operable Unit 2 ("OU2") at the Omega Chemical Corporation Superfund Site in Los Angeles County, California ("Site"). You will find a link to an electronic version of this September 2011 ROD, as well as a November 2011 Fact Sheet regarding the ROD, in the Documents and Reports section of the following EPA website:

<http://www.epa.gov/region09/OmegaChemical>

This interim ROD specifies the interim cleanup actions that EPA has chosen for OU2 of the Site and commits EPA to a series of actions. OU2 is the contamination in groundwater generally downgradient and originating from the former Omega Chemical Corporation facility in Whittier, California, which has commingled with chemicals released at other areas overlaying the OU2 groundwater plume.

The EPA previously issued a general notice letter or Unilateral Administrative Order ("UAO") to you regarding the Site. In that letter or UAO, EPA notified you of your potential responsibility under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund"), 42 U.S.C. § 9607(a), for the cleanup of the Site, including all costs incurred by EPA in responding to releases at the Site. You are receiving this letter in order to be provided with information about the next steps in the process and the schedule for their completion.

In order to commence negotiations with potentially responsible parties ("PRPs"), CERCLA requires EPA to notify all PRPs of their potential liability and provide them with certain information about the Site. EPA plans to provide this "special notice" to PRPs in early 2012. After providing special notice, EPA is required to wait 60 days before commencing a cleanup action on its own or ordering the PRPs to commence such an action. This 60-day period is provided in order to allow the parties to negotiate a settlement with EPA to perform or finance the cleanup action specified in the ROD. If the parties receiving special notice submit a good faith offer within the initial 60-day period, EPA may extend the negotiation period another 60 days (120 days total). EPA strongly prefers a single, joint response from all the PRPs. If, within the 120-day period,

a good faith offer has been received but negotiations have not resulted in a settlement, EPA can choose to extend the period, issue a Unilateral Order directing the PRPs to conduct the work, or perform the work itself and recover its costs from the PRPs. Please note that recent guidance from EPA Headquarters strongly discourages any extension to the negotiation period. The guidance document can be found on EPA's website at the following location:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rdra-neg-timeline-mem.pdf>

To facilitate achievement of the deadlines in EPA's guidance, you are being provided this notice to encourage you to begin discussions with the other PRPs prior to receiving special notice from EPA. The PRPs are encouraged to discuss allocation issues as soon as possible. In order to facilitate communication between you and the other PRPs, enclosed is a list of all the parties receiving this pre-special notice letter. In addition, we have enclosed contact information for PRPs to whom EPA sent a general notice letter in 2007 or thereafter. Contact information for representatives of the PRP workgroup called the Omega Chemical Site PRP Organized Group, or "OPOG", which has been performing response work at the Site, follows:

Larry G. Gutierrez, Esq.  
(213) 430-2507

Gene A. Lucero, Esq.  
(213) 891-8332

Keith F. Millhouse, Esq.  
(805) 230-2280

If you have any questions regarding today's letter or the status of the cleanup action, please contact the EPA Remedial Project Manager, Lynda Deschambault, at (415) 947-4183, or you may email her at [deschambault.lynda@epa.gov](mailto:deschambault.lynda@epa.gov). Legal questions should be directed to EPA attorney Steve Berninger, at (415) 972-3909, or you may email him at [berninger.stephen@epa.gov](mailto:berninger.stephen@epa.gov).

Sincerely,



Kathleen Salyer, Assistant Director  
Superfund Division  
California Site Cleanup Branch

Enclosures